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12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15 **JUAN ANGEL MARTINEZ, JR.,**

16 Plaintiff,

17 v.

18 **JAMES E. TILTON, et al.,**

19 Defendants.
20
21

C 07-4684 CRB (PR)

**DECLARATION OF
KENNETH T. ROOST
IN SUPPORT OF
DEFENDANTS' MOTION
FOR EXTENSION OF TIME
TO FILE A REPLY
REGARDING THEIR
MOTIONS TO DISMISS AND
FOR SUMMARY JUDGMENT**

22 I, Kenneth T. Roost, declare:

23 1. I am an attorney admitted to practice before the courts of the State of California and
24 before this Court. I am employed by the California Attorney General's Office as a Deputy
25 Attorney General in the Correctional Law Section, and am assigned to represent Defendants
26 Tilton, Scavetta, Horel, Silva, Vanderhoofven, McGuyer, Enos, Barneburg, Countess, Milligan,
27 and Estes (Defendants) in this case. I am competent to testify to the matters set forth in this
28 declaration, and if called upon by this Court, would do so.

2. Defendants' counsel was out of the office from June 21 through June 30, and Plaintiff filed his opposition to the motions to dismiss and for summary judgment on June 23, 2008. In addition to losing this week in which to prepare the reply, Defendants' counsel spent July 3, 2008 in Sacramento to mediate a settlement in another matter.

3. In addition to the reduced period of time to prepare the reply, Plaintiff's twenty-seven-page opposition, accompanied by an additional forty-eight pages of supporting exhibits, is oversized under Local Rule 7-4(b), and omits a table of contents as required under Local Rule 7-4(a). These factors require Defendants to spend extra time preparing their reply.


4. Defendants therefore respectfully request a nine-day extension of time in which to file their reply regarding the motions to dismiss and for summary judgment, such that the time in which Defendants may file a reply is extended up to and including July 16, 2008.

5. Defendants received a forty-day extension of time to file their dispositive motions in this matter, but this is their first request for an extension of time concerning their reply.

6. This request for an extension of time is not made for the purpose of harassment, undue delay, or any improper reason.

7. Plaintiff is confined in state prison and cannot easily be contacted concerning an extension of time. Because Plaintiff is a prisoner, it is also difficult to deliver this motion for an extension of time on the same day it is filed. Thus, Defendants are serving it by overnight mail.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on July 7, 2008, in San Francisco, California.


Kenneth T. Roost
Deputy Attorney General

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